

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

SLIMAN FARRAN and FADUL FARRAN
dba JERUSALEM CAFÉ and JERUSALEM
RESTAURANT and CAFE,

Plaintiffs,

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JIMI ABDULLAH JOUZINE,

Defendant.

Case No. C06-5116FDB

ORDER DENYING PLAINTIFFS' EMERGENCY MOTION FOR SUBMISSION OF DOCUMENTS UNDER SEAL FOR IN CAMERA REVIEW ONLY

Plaintiffs move for an order sealing certain recipes that are submitted in a sealed envelope for *in camera* review by the Court. Plaintiffs argue that the submitted recipes constitute trade secrets that Defendant misappropriated. Plaintiffs also state that they intend to negotiate with Defense counsel for a stipulated protective order allowing for “attorneys eyes only” review of the recipes and other trade secrets in this case.

Defendant opposes the motion arguing that such submission is unfair and uncalled for because filing the documents under seal prevents defense counsel from comparing Plaintiffs' recipes with those used by the Defendant at the Galilee Café. Ex parte submissions of evidence on the merits is not generally allowed. *See, e.g., Application of Eisenberg*, 654 F.2d 1107, 1112 (5th Cir. 1981).

ORDER - 1

1 Moreover, Defendant asserts that Defense counsel offered on March 17, 2006 to stipulate to a
2 protective order, but Plaintiffs refused.

3 Defendants objections are well taken. The Plaintiffs' Motion for a temporary restraining
4 order and a preliminary injunction has already been denied without reference to the recipes
5 themselves, but noting that the requisite behavior for protecting asserted trade secrets had not been
6 shown.

7 ACCORDINGLY, IT IS ORDERED: Plaintiffs' Emergency Motion for Submission of
8 Documents under Seal for In Camera Review Only [Dkt. # 37] is DENIED.

9 DATED this 4th day of April, 2006.

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11 FRANKLIN D. BURGESS
12 UNITED STATES DISTRICT JUDGE
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